

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

KIMBERLY ANN DURKEE,

Plaintiff,

v.

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

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Civil No. 5:17-cv-000124-GCM

**ORDER**

Defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the case for further administrative proceedings. Plaintiff's counsel has indicated that she does not oppose the Defendant's Motion for Remand.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and **REMANDS** the case to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

**SO ORDERED.**

Signed: February 23, 2018



Graham C. Mullen  
United States District Judge

